

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEVIN PATRICK FLOOD, :
Plaintiff, :
v. : Case No. 3:06-cv-82-KRG-KAP
TROOPER CHARLES SCHAEFER, :
et al., :
Defendants :
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on December 22, 2008, docket no. 80, recommending that defendants' motion to dismiss, docket no. 70, be granted and that the complaint be dismissed for failure to state a claim.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. After an extension of time was granted for filing objections, see docket no. 81, docket no. 82, plaintiff filed objections to the Report and Recommendation, docket no. 86, which are meritless. Plaintiff also filed a motion to compel discovery, docket no. 83, and a motion for extension of time to conduct discovery, docket no. 85. Like the objections, the motions chiefly relate to claims that cannot be heard by the court at this time, namely plaintiff's claims that defendants used

Brubaker to ply him with drugs and that there was a conspiracy to alter audiotapes used at trial. The motions are denied.

After de novo review of the record together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 30th day of January, 2009, it is

ORDERED that defendant's motion to dismiss, docket no. 70, is granted and the plaintiff's complaint is dismissed. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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